

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Nos. CR 15-4268 JB
CR 16-1613-JB

ANTHONY RAY BACA, et al.

Defendant.

ORDER REGARDING ANTHONY RAY BACA'S JOINT,
UNOPPOSED MOTION FOR DISCLOSURE OF GRAND AND PETIT
JURY DATA

THIS MATTER having come before the Court upon Defendant Anthony Baca's Joint, Unopposed Motion for Disclosure of Grand Jury and Petit Jury data (Doc. 773 & 262), filed November 23, 2016, the Government having taken no position on the Motion, and the Court being otherwise fully advised in the circumstances:

IT IS HEREBY ORDERED that Defendant Anthony Baca is entitled the requested information under 28 U.S.C. § 1867(a) and (f) from the Clerk's Office of the United States District Court for the District of New Mexico (hereinafter "Clerk's Office") concerning the procedures and data used to create grand jury arrays and petit jury panels in the Southern Division and the former division named the Las Cruces Division.

IT IS FURTHER ORDERED that all confidential information that could be used to identify any individual juror not be disclosed by either the Government or counsel for the Defendants in this case.

IT IS FURTHER ORDERED that Defendant's Joint, Unopposed Motion for Disclosure of Grand Jury and Petit Jury Data is GRANTED; the Clerk's office must provide

to the Defendants, through defense counsel, their designated expert demographer, the demographer's staff, defense counsel's paralegal and/or other assistants:

- (1) all information¹ concerning grand and petit jury venires regarding jurors who actually appeared for service that were drawn from the master jury wheel from which the Las Cruces grand jury in this case was selected;
- (2) all information concerning grand and petit jury venires regarding jurors who actually appeared for service that were drawn from the master jury wheel from which the petit jury will be selected in this case.

In addition, at the request of defense counsel or his designees, as to the two master wheels described above, the Clerk must disclose:

- (3) all information at the Clerk's office regarding jurors summonsed for jury duty who did not appear for jury selection ("no shows");
- (4) all information concerning the jurors who were deemed unqualified, including the reason for their disqualification;
- (5) All statistical information concerning jurors deemed qualified for jury service;
- (6) all statistical analysis of race, ethnicity, and gender for individual petit jury pools drawn from qualified jury wheels;
- (7) all statistical analysis of race, ethnicity, and gender for each grand jury array drawn from the qualified jury wheels;
- (8) information concerning those jurors who were excused from service on grand jury arrays or petit jury pools and the reason each individual was excused;

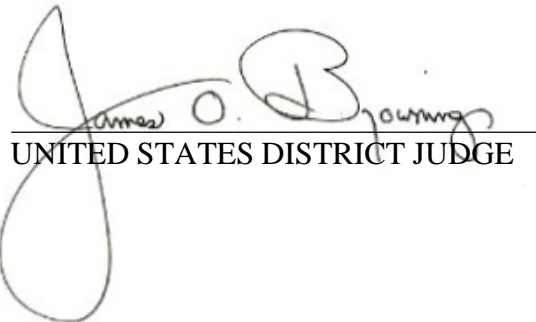
¹ The phrase "all information" refers to all statistical or demographic information regarding jurors including race, color, gender, religion, sex, national origin, or economic status or any other demographic statistics compiled for the group without revealing the identification information of any individual juror. The parties have agreed that the Clerk's office must redact personal identification information, including names and addresses, using any means

- (9) access to all information—aside from identification information—in the juror questionnaires returned to the Court for processing;
- (10) access to all information concerning the rosters of jurors who actually appeared for jury selection during the life of the wheel.

Defendant is to coordinate his specific requests for information under 28 U.S.C. § 1867(f) with the Clerk's office in a manner that minimizes the burden and expense of producing the information necessary for Defendants to prepare a motion challenging any particular jury composition.

IT IS FURTHER ORDERED that the Clerk's office shall assume all reasonable costs it incurs as a result of producing copies of available information in compliance with this order, but that the Clerk's office may petition the Court to have Defendants assume any extraordinary costs incurred in complying with this order;

IT IS FINALLY ORDERED that upon receipt of the requested information and a showing of good cause and need, Defendants may seek disclosure of additional information not specified in this order, and the United States will have the opportunity to respond to any additional requests for grand jury or petit jury data. In any case, Defendants are prohibited from releasing or sharing any information provided under this Order to anyone not involved in the litigation of the jury challenge(s) in this case, and will abide by any additional protective order the Court deems prudent to enter.



UNITED STATES DISTRICT JUDGE

available before the requested information is disclosed to Defendants.

Submitted by:

/s/ Marc M. Lowry 3/3/2017

Marc M. Lowry

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